

REMARKS

In the Office Action mailed on April 6, 2005, the finality of the second Office Action was removed and all of pending claims 1-10 and 15-26 were rejected, including previously allowed claims 1-10 and 21-26.

Claim 5, 6, and 17

With this Amendment, claims 5, 6, and 17 are canceled without prejudice, thereby rendering moot their rejection.

Claim Rejections-35 U.S.C. §112

Claims 17, and 21-23 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Claim 17 was rejected as not adding any additional limitation to claim 15. In response, claim 17 has been canceled. Claims 21-23 were rejected as being indefinite due to words missing from the preamble of claim 21. With this Amendment, claim 21 has been amended to address the indefiniteness rejection, and claim 21 and claims 22 and 23 (which depend from claim 21) are now in condition for allowance.

Claim Rejections-35 U.S.C. §103(a)

Claims 1-4, 7-9, and 24-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,815,863 (Larson). With this Amendment, independent claim 1 recites a conduit racking device that includes a shelf with a plurality of alignment holes arranged in a spaced pattern, whereby the alignment holes are sized to receive electrical conduit and spaced at least about ¼ of an inch from each other to space the conduit. A brace is connected to the shelf for attaching the conduit racking device to a building structure. A conduit spacer zone is located on the shelf and spaces the plurality of alignment holes from the brace. The spacer zone has a width sized to space the electrical conduit from

the building structure by at least about $\frac{3}{4}$ of an inch. Rigid tabs are disposed at each of the plurality of alignment holes and spaced from the brace by the conduit spacer zone. The tabs are deformable from a first position planar to the shelf and protruding into the alignment holes to a second position perpendicular to the shelf.

As amended, independent claim 1 and claims 2-4, 7-9, and 24-25 (which depend from claim 1) are in condition for allowance. Larson teaches a garden tool stand for storing tools with relatively long handles, golf clubs, brooms, canes, umbrellas, and the like. (Col. 1, lines 17-20). Larson does not teach, suggest, or disclose rigid tabs disposed at each of a plurality of alignment holes and spaced from a brace by a conduit spacer zone. In addition, Larson does not teach, suggest, or disclose a conduit spacer zone with a width sized to space electrical conduit from a building structure by at least about $\frac{3}{4}$ of an inch. As such, amended claim 1 is in condition for allowance. Since any claim depending from a patentable claim is also patentable, claims 2-4, 7-9, and 24-25 are also in condition for allowance due to their dependency from claim 1.

Claims 5-6, 15-18, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Larson in view of U.S. Patent No. 6,278,061 (Daoud) or U.S. Patent No. 5,971,329 (Hickey). With this Amendment, claims 5, 6, and 17 have been canceled. Claim 26 has been amended to depend from amended claim 1 and, since amended claim 1 is now in condition for allowance for the reasons stated above, amended claim 26 is also in condition for allowance.

As for independent claim 15 (from which pending claims 16 and 18 depend), it recites a method for arranging conduit into a pattern of parallel spaced conduit. The method includes providing one or more conduit racking devices each having a shelf with a plurality of alignment holes for receiving conduit, wherein each alignment hole has a tab. One or more conduit racking devices are secured to a building structure. Conduit is placed through one or more of the alignment holes in each of the one or more conduit racking devices. The conduit is secured to the tabs.

In rejecting claim 15, Daoud and Hickey are cited, in the alternative, as each disclosing the steps of inserting conduit into alignment holes and securing conduit to tabs. However, neither Daoud nor Hickey teach, suggest, or disclose securing conduit to tabs. In Hickey, the tabs urge conduit against the sides of the alignment holes located opposite the tabs. (See, e.g., FIGs. 2 and 7). The conduit is secured relative to the Hickey conduit support with the assistance of the tab, but the conduit is not secured to the tab itself, as recited in claim 15. In Daoud, a plurality of resilient tabs exert counteracting forces on a piece of conduit to center the conduit in an alignment hole. Like Hickey, Daoud does not teach, suggest or disclose securing conduit to a tab. As such, the rejection of claim 15 under 35 U.S.C. § 103(a) should accordingly be withdrawn since a combination of Larson and either Daoud or Hickey does not teach, suggest, or disclose each and every feature recited in claim 15. Likewise, since claims 16 and 18 depend from claim 15, it is respectfully submitted that the rejection of these claims under 35 U.S.C. § 103(a) should also be withdrawn.

Claims 10, 19, and 20-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Larson in view of U.S. Patent No. 6,578,282 (Haegele, et al.).

Claim 10 recites a conduit racking device including a shelf with a plurality of alignment holes arranged in a spaced pattern for receiving conduit. One or more of the alignment holes are sized to receive multiple sizes of conduit. A plurality of center line marking apertures for drawing center lines on a flat building surface to locate center positions of conduit entry holes are formed in the shelf adjacent to each of one or more alignment holes sized to receive multiple sizes of conduit. The centerline marking apertures are positioned around the one or more alignment holes sized to receive multiple sizes of conduit so that the conduit entry holes, when located on the flat building surface using the centerline marking apertures, are aligned with an edge of the one or more alignment holes. A brace is connected to the shelf for attaching the conduit racking device to a building structure.

According to the Examiner, it would have been obvious to one skilled in the art to provide the device of Larson with a series of smaller openings around the holes as shown in Haegele, et al.

Haegele, et al. discloses a head gasket template for sequentially torquing cylinder head bolts associated with the pistons of an engine, with the larger openings receiving the cylinders and the surrounding smaller openings cited by the Examiner receiving the cylinder head bolts. As illustrated in FIG. 1 and the associated discussion at Col. 2, lines 30-35, these openings, referred to as bolt punch outs (51), are perforated so that the bolt punch outs (51) can be punched out or detached from the head gasket template (50) to form bolt openings (52). The combination of the garden stand of Larson and the cylinder head bolt torque sequence template of Haegele, et al. does not teach, suggest, or disclose each and every feature recited in amended claim 10. In particular, neither Haegele, et al. nor Larson teach, suggest, or disclose positioning apertures around an alignment hole so that conduit entry holes located on a flat building surface using the centerline marking apertures are aligned with an edge of the one or more alignment holes. Thus, it is respectfully submitted that the rejection of claim 1 under 35 U.S.C. § 103(a) should be accordingly withdrawn.

Claims 19-20, which depend from independent claim 15, were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Larson in view Haegele, et al. Neither Haegele, et al. nor Larson teach, suggest or disclose using a plurality of alignment holes to mark a location of one or more conduit entry holes on a construction surface, as recited in claim 19. In addition, neither Haegele, et al. nor Larson teach, suggest, or disclose using a plurality of alignment holes to mark the location of one or more conduit entry holes on an electrical box, as recited in claim 20. As such, the rejection of claims 19 and 20 under 35 U.S.C. § 103(a) should accordingly be withdrawn.

Claims 21-23 were also rejected under the combination of Larson and Haegele, et al. under 35 U.S.C. § 103(a). Claim 21 recites a method for arranging conduit for coupling with an electrical box into a pattern of parallel spaced conduit. The method includes providing one or more conduit racking devices each having a shelf with a plurality of alignment holes for receiving conduit, and wherein each alignment hole has a tab. One or more of the tabs are bent to indicate the pattern of parallel-spaced conduit. The electrical box is marked using the alignment holes with bent tabs. The one or more conduit

racking devices are secured to a building structure. Conduit is placed through one or more of the alignment holes with bent tabs in each of the one or more conduit racking devices and the conduit is secured to the tabs.

Neither Larson nor Haegele, et al. teach, suggest, or disclose: 1) marking an electrical box using alignment holes, 2) bending one or more tabs to indicate a pattern of parallel-spaced conduit, 3) marking an electrical box using the alignment holes with bent tabs, or 4) placing conduit through the alignment holes with bent tabs and securing the conduit to the tabs. As such, it is respectfully submitted that the rejection of independent claim 21, and claims 22-23 which depend from it, should be withdrawn.

New Claims

New claims 27 and 28 are added. New claims 27 and 28 depend from claim 15. None of the cited references teach, suggest, or disclose the features of claims 27 and 28. Therefore, claims 27 and 28 are allowable over the cited art. Consideration and notice to that effect is respectfully requested.

CONCLUSION

With this Amendment all of pending claims 1-4, 7-10, 15-16, and 18-28 are in condition for allowance. Reconsideration and notice to that effect is respectfully requested. The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982. A duplicate copy of this communication is enclosed

Respectfully submitted,

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